



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/605,703 | 06/27/2000 | Markus Pompejus | BGI-129CP | 3829 |

959 7590 06/03/2003

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

MORAN, MARJORIE A

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 06/03/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on 3/6/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Sequence Rules have not been complied with. See 37 CFR 1.111. Applicant argues on pages 4-5 of the response that the sequences set forth in Appendices A and B "is readily identifiable with its corresponding SEQ ID NO." In response, applicant is reminded that 37 CFR 1.821(d) requires that:

"Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, *reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:"* in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application. " (emphasis added by examiner)

The appendices are part of the description, therefore sequences recited in the appendices must be accompanied by SEQ ID NO's. In addition, it is noted that both nucleic acid and amino acid sequences are "identified" by the same Identification Code in the appendices. As the same Identification Code appears to be correlated to multiple SEQ ID NO's, EACH (individual) sequence listed in the appendices is NOT "readily identifiable" by its SEQ ID NO.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1631

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marjorie A. Moran whose telephone number is (703) 305-2363. The examiner can normally be reached on Monday to Friday, 7:30 am to 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (703) 308-4028. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3524.

MARJORIE MORAN
PATENT EXAMINER

Marjorie A. Moran

mam
May 29, 2003